

To FCC Commissioners:

Today I learned to my considerable dismay that H.R. 4026, the Local Emergency Radio Service Preservation Act of 2004, has been introduced to curtail XM Satellite Radio's service offerings. Specifically, this bill would prevent XM Radio from offering local traffic and weather. This protectionist legislation is unworthy -- but not unexpected -- from the National Association of Broadcasters (NAB).

The quality of conventional broadcast radio in the Los Angeles area has been in steady decline for at least a decade. I commute two hours a day in the greater Los Angeles metropolitan area. That's a lot of time spent behind the wheel. Prior to XM Radio, I sat in silence with my thoughts brooding over traffic jams. The terrestrial radio in LA is so horrific and uninformative, total silence is preferable than listening to their pablum, blaring seven minute long commercial "breaks", and useless DJ chatter masquerading as clever banter.

Along comes an alternative to the NAB membership's drivel and they cry out for protectionist rules and legislation. It's not surprising. Affluent, well educated listeners just like me have switched to XM -- and their competitor Sirius -- and never listen to terrestrial broadcasts any more. It's taken two years for NAB member's to wake up and hear the music. The NAB and its members wasted two years ridiculing satellite radio instead of upgrading their bill of fare. Now their ratings reveal they are left with only the lowest common denominator listener they gleefully pandered to for years.

Shame on the NAB. Shame on the FCC and the House of Representatives for entertaining protectionism in a mature industry.

Steve Cortright